

10 Sep 1980

MEMORANDUM

From: G. G. Henriksen, Alternate Navy ISWG Member, Naval Security
Group Headquarters, 3801 Nebraska Avenue, Washington, D.C. 20390
To: DCI SECOM, Director, CIA, Room 3E05, Headquarters Building
Washington, D.C. 20505

Attn: Chairman, Investigative Standards Working Group

STAT

Subj: Investigative Standards Working Group meeting of 28 August 1980

1. As requested at subject meeting, the Navy negative vote on the appeals procedures proposal was based on the following: "All references to personal appearance should be deleted. There is no known requirement that due process rights be accorded a person who is denied access to SCI as no property or liberty interest is involved in such a denial. To impose, by regulation, due process elements other than those of notice and the opportunity to be heard in writing would be impractical within the adjudicative process of the Department of the Navy and do little to enhance the viable privileges of an appellant. The Navy's two Determination Authorities are located in the Washington, D.C. area; however, those persons under consideration for access to SCI are generally far removed from the Determination Authority. To require a personal hearing before the Determination Authority would, therefore, be cost ineffective whether the appellant or the Navy were responsible for payment of travel and other expenses incurred by the exercise of the proposed privilege of personal appearance. It is noted, however, that the assistance of counsel in the preparation of an appeal is not precluded by deletion of these subparagraphs. In real, as opposed to abstract, due process privileges those of notice, written hearing, and assistance of counsel are all that are necessary to adequately protect the person concerned and facilitate informed and commonsense decision-making by the entity. Neither individual rights nor the best interests of the national security require the gratuitous privilege of personal appearance in the appeal process. There is no legal objection to the personal appearance but is opposed as a policy."

CC:

Navy Member, SECOM
Navy Member, ISWG


G. G. HENRIKSENNavy review completed.

ITEM 2 NEW BUSINESS

Letter to OPM which comments on FPM Bulletin Number 732-4, "Proposed Changes to Provide Due Process in OPM-Conducted Personnel Investigation." (The letter requests OPM to exempt the Intelligence Community from OPM's proposed actions as a result of the Jane Doe v. U.S. Civil Service Commission case.

Letter to OPM which transmits Committee recommendations concerning FPM Bulletin Number 732-3, "Proposed New System for Designating the Sensitivity of Positions and Activities." (The letter requests the Interagency Task Group to:

- a. increase investigative coverage for TOP SECRET clearances to 15 years;
- b. require periodic reinvestigations for TOP SECRET cleared personnel; and
- c. Delete references to SCI, DCID 1/14, and intelligence matters.